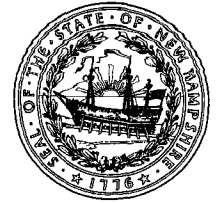




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

**LETTER OF DEFICIENCY**  
**WET 06-014**

February 21, 2006

Shaun Hathaway  
Lost Cloud Forest Management  
585 Gillman Pond Rd  
Newport, NH 03723

RE: DES Wetlands File #2005-02718, Fletcher Road, Newport

Dear Mr. Hathaway:

On January 31, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Newport Tax Map 12 as Lot 2129, owned by the Daniel and Carolyn von Recklinghausen Revocable Trust (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800, and specifically whether best management practices for timber harvesting have been followed.

During the inspection, the following deficiencies were documented:

1. Approximately 150 square feet had been rutted with no crossing device observed in a skid trail east of the log landing;
2. Approximately 150 linear feet of forested wetland had been rutted;
3. Approximately 400 square feet of slash was observed in a forested wetland adjacent to the landing; and
4. The log landing was located within 100 feet of wetland contrary to *Best Management Practices for Erosion Control on Timber Harvest Operations in New Hampshire*.

In response, you are requested to take the following actions:

1. **Immediately** cease all logging activity, except for the installation of erosion control measures.
2. By March 15, 2006, submit a restoration plan to DES for review and approval. Submit the following with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions; and
    2. Proposed conditions after re-establishing jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, *etc*) and stabilization of the restoration area;

- c. A detailed description of the proposed planting plan and methods for stabilization; and
- d. A description of the proposed construction sequence, methods for accomplishing the restoration, and anticipated restoration compliance date.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us).

Sincerely,

**COPY**  


Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0095

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Daniel and Carolyn von Recklinghausen  
Newport Conservation Commission  
Newport Board of Selectmen  
USACOE